

Originator: David Jones

Tel: 0113 2478000

Report of the Chief Planning Officer

PLANS PANEL (EAST)

Date: 19th April 2012

Subject: APPLICATION 12/00324/RM - 29 Dwellings, land off Whitehall Road,

Drighlington, BD11

APPLICANT DATE VALID TARGET DATE
Miller Homes 25 January 2012 25 April 2012

| Electoral Wards Affected: | Specific Implications For: |
|--|---------------------------------------|
| Morley North | Equality and Diversity |
| Yes Ward Members consulted (referred to in report) | Community Cohesion Narrowing the Gap |
| | |

RECOMMENDATION: APPROVAL subject to the specified conditions:

1. Details of a management scheme for the off-site planting, owned by the applicant, but outside the red line site boundary.

Details of conditions to be deferred and delegated to officers.

Reasons for approval: The layout of the development and the scale and appearance of the proposed houses is considered to respect the character of the area. The proposed development achieves good separation to existing neighbouring residential properties and consequently no undue harm to residential amenity will result. The application is considered to comply with UDPR policies H3-3A.2, GP5, N13, BD5 N24, N25,T2:,T24, BD5, LD1: as well as guidance contained in National Planning Policy Framework (2012). In addition the application accords with the following Leeds City Council Supplementary Planning Guidance and Documents, SPG13 Neighbourhoods for Living, Designing for Community Safety and Street Design Guide (adopted). Having regard to the above and all other material considerations, as such the application is recommended for approval.

1.0 INTRODUCTION:

- 1.1 This reserved matters application following the grant of outline planning permission at appeal for a residential development. The site is allocated for housing development in the Unitary Development Plan. It is reported to the Plans Panel at the request of Councillor Leadley. A request is made for a site visit, which would allow Members to see the relationship between the new houses and their existing neighbours, and the potential for public open space management problems along the north-eastern and south-eastern boundaries.
- 1.2 In addition, this is a contentious application, with objections from Councillor Leadley, Councillor Finnigan, Drighlington Parish Council, Drighlington Conservation Group and 40 local households.

2.0 PROPOSAL:

- 2.1 The application seeks the approval of Reserved Matters to an outline planning permission for residential development which was granted permission on appeal by letter dated 12th September 2011. The application was originally accompanied by an indicative plan showing 49 units and this was subsequently amended to indicate 43 units, and the Inspector took this plan into account as part of the appeal.
- 2.2 The reserved matters relate to details in respect of layout, scale, appearance and landscaping (means of access onto Whitehall Road was considered and approved as part of the outline application). The scheme originally proposed a development of 30 dwellings with associated road infrastructure, parking, and landscaping. Revised plans now show 29 dwellings. The applicant is also proposing to landscape and manage an area of land to the south-east of the site.
- 2.3 The application proposes a mix of two, four and five bedroom family dwellings. 5 houses are two bedroom, 14 dwellings are 4 bedrooms and 10 are 5 bedrooms. 15 dwellings are two storeys, and 14 dwellings are two storeys, with rooms in the roofspace. The houses are shown to be of a traditional design and proportions with coursed brickwork and tiled roofs. The layout proposes houses off a single access point, with houses to both sides of the access road, except for the part of the site which abuts open land, falling away towards the nearby beck to the south-east.
- 2.4 34 garages are proposed, with 51 open parking spaces.

3.0 SITE AND SURROUNDINGS:

- 3.1 The 1.04 hectare site is open and undeveloped sloping land, to the north-eastern edge of Drighlington. The site is bounded by housing to three sides and by a small strip of scrubland (to the south-east) set around a watercourse. Further to the southeast, open land exists which is designated as an 'Area of Protected Search' in the UDP (which is actually made ground from the spoils of Spring Gardens Colliery).
- 3.2 The site is 'greenfield' in nature, being grassland used as grazing land.
- 3.3 Morley Footpath No.13 Morley abuts the site to the south-east and south-western boundaries.

3.4 There is a degree of mixture in the house types and styles in this local residential area, with the established detached and semi-detached ribbon development found along Whitehall Road joined by more modern densely developed housing found at Summerbank Close, abutting the southern boundary. Brick is the predominant local building material, although rendered properties and some stone buildings are also found in the locality.

4.0 RELEVANT PLANNING HISTORY:

4.1 The following planning history is considered to be relevant:

09/00746/OT – previous application refused in June 2009, on the basis that there was no need to release the Greenfield site at that time, and that the incremental release of such sites would undermine the regeneration if inner urban areas within Leeds.

10/02675/OT - The outline application was made in outline to consider the principle of the development and the proposed access. Indicative details of the layout, scale, appearance and landscaping were provided and referred to a development of 43 dwellings with associated road infrastructure, parking provision and landscaping. Vehicular access was proposed from the A58 Whitehall Road.

- 4.2 Again, permission was refused on the basis that there was no need to release the Greenfield site at that time, and that the incremental release of such sites would undermine the regeneration if inner urban areas within Leeds.
- 4.3 An appeal was lodged against the refusal of planning permission. In the meantime, Executive Board (June 2011) agreed to release Phase 2 and 3 housing sites, and specifically resolved not to contest this appeal. The appeal was heard by Informal Hearing, and the appeal was allowed, subject to conditions by letter dated 12th September 2011. In addition a Section 106 Agreement was completed, which secured the following:
- 4.4 The outline planning permission was granted subject to a S106 agreement which secured the following:
 - 15% of the housing to be provided as affordable units if commenced within two years and 25% if later than two years. 50% to be sub-market, and 50% social rented.
 - A contribution of £19,000 towards enhancements towards three local bus stops/shelters.
 - The sum of £18,275.00 towards the improvement of Lumb Wood Pond land drainage system.
 - A contribution of £50,925.60 towards the provision of off-site greenspace
- 4.5 All of the above contributions are to be provided, in accordance with the outline permission.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 During consideration of the outline application, the indicative layout was reduced from 48 to 43 dwellings. The grant of outline permission sets out the planning obligations.
- 5.2 Pre-application discussions concerned a scheme for 31 dwellings.

- 5.3 During consideration of the current reserved matters submission, the following amendments have been negotiated.
 - Reduction in units to 29.
 - Provision of a carriageway which now meets guidance in Manual for Streets, particularly in terms of width of carriageway and provision of footpath.
 - Delete the footpath link onto Whitehall Road in the interests of community safety.
 - Loss of 1 unit to achieve increased garden sizes and improve relationship to existing houses on Whitehall Road.
 - Plot 16 relocated to achieve 10.5m to nearest boundary, to comply with Neighbourhoods For Living advice in respect of preventing overlooking.
 - A reduction in the size of the house on Plot 18 to further increase the distance to the existing house to over 14m at the very closest oblique angle which is to a wall with only obscure glazed windows.
 - Applicant to submit a Landscape Management Plan for the off-site area within their ownership.
 - The proposed dwelling (plot 29) is now in line with the existing house (85 Whitehall Road) rather than in front of it.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by site notices posted on 10 February 212, as a major development affecting a public right of way. The application was also advertised in the Morley Advertiser on 15th February 2012.
- 6.2 Ward Councillor Leadley objects to the application for the following reasons:
 - At 30 dwellings, the density is acceptable, but there are detailed points of objection to be addressed.
 - Plot 17 is too close to 85 Whitehall Road, and will be dominant and reduce natural sunlight. Similarly, the garages to Plot 14 would be too close to 97A Whitehall Road.
 - The site layout is generally awkward, resulting in some pinch-points and inadequate garden sizes.
 - The rectilinear grid is rather unimaginative.
 - The Design & Access statement states only one car parking space per dwelling. This needs clarification.
 - The narrow strip between the red line and blue line would be impossible to maintain, and the strip would be better consolidated into peoples back gardens.
 - The public open space to the south east needs proper management otherwise will be focus of anti-social behaviour, fly-tipping and further Japanese Knotweed infestation.
 - A proposed ghost-island, defined by road markings, may not be sufficient, and a physical island, doubling as a pedestrian refuge would be preferable.
 - Spring Gardens Colliery to the south-east may have produced unstable or contaminated ground, which would have to be dealt with as found.
 - Foul and surface water could be problematic, and the financial contribution in the Section 106 should be insisted upon, to ensure improvements are carried out.
- 6.3 Councillor Finnigan objects.
- 6.4 <u>Drighlington Parish Council</u> objects on the following grounds:
 - Although the Government has given the go-ahead for greenfield development, these sites should not be developed, as there are sufficient brownfield sites;

- The development would exacerbate existing drainage problems;
- Extra traffic burden would result on Whitehall Road, which is already busy. 120
 extra traffic movements would occur, increasing the potential for accidents.
 Measures should be introduced to curb traffic speed, prior to development
 commencing.
- With regard to Plot 17, no regard has been given to the closeness of that property to 85 Whitehall Road, which would be dominated and overlooked.
- Similar problems may exist with the garages to Plot 14.
- The footpath link to Morley footpath No.13 needs provision for measures to prevent motor cycles/cycles using the path as a rat-run.
- 6.5 Drighlington Conservation Group objects on the following grounds:
 - Deep disappointment that development is going on greenfield land;
 - The development would exacerbate existing drainage problems;
 - Extra traffic burden would result on Whitehall Road, which is already busy and has accident record, including a fatality.
- 6.6 Furthermore, 27 letters of objection have been received from local residents. The objections are on the following grounds:
 - Additional housing development in Drighlington not required/premature. Previously developed land should be developed before greenfield sites.
 - The village has been inundated with housing developments in recent years.
 - Highway safety on Whitehall Road worsened; congestion increased. Has been a fatality on Whitehall Road. Horse riders would also be adversely affected by increase in traffic.
 - Erosion of surrounding 'green space'/loss of land with amenity value
 - Loss of views. Adversely affect the character of the village.
 - Village services (schools, doctors, shops) may not have capacity to accommodate additional housing.
 - Loss of privacy.
 - Houses too close to the houses on Whitehall Road, and will dominate and overlook existing houses.
 - Harmful to local character.
 - Harmful to natural environment, water resources, biodiversity, tranquillity, air quality, recreational access and congestion.
 - Detrimental to local amenity in noise and disturbance.
 - Drainage services unlikely to sustain further development (which have existing surface water / sewerage issues).
 - Land suggested for Public Open Space is too steep/not appropriate
 - Loss of house value.
- 6.7 Revised plans for 29 dwellings, and including the amendments set out in the 'History of Negotiations' Section above were readvertised by individual letters to all objectors sent out on 30th March 2012. Any further representations will be verbally reported to Plans Panel.

7.0 CONSULTATION RESPONSES:

Statutory:

7.1 <u>Environment Agency</u>: No objections subject to the imposition of conditions (at outline stage). The Inspector imposed conditions requiring submission of a suitable drainage scheme.

7.2 Highways: No objections are raised to the revised plans.

Non Statutory Consultations:

- 7.3 Flood Risk Management: No objections subject to conditions
- 7.4 Public Rights of Way: No objections
- 7.5 <u>West Yorkshire Ecology</u>: recommend the inclusion of a hedge to delineate the estate road to the adjoining open land, and the submission of a landscape management plan for that open area.

8.0 PLANNING POLICIES:

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 8.2 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development including housing.
- 8.3 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

8.4 Regional Spatial Strategy (RSS) (adopted May 2008)

H1: annual average additions to housing stock and previously developed target.

H2: Sequential approach to allocation of land.

H3: managed release of housing land.

ENV5: 10% renewable energy requirement.

YH1: Spatial pattern of development and core approach.

YH2: Sustainable development.

YH4: focus development on regional cities.

YH5: Focus development on principal towns.

YH7: location of development.

LCR1: Leeds city region sub area policy.

LCR2: regionally significant investment priorities, Leeds city region.

8.5 Unitary Development Plan Review (adopted July 2006)

The 1.04 hectare site is allocated for housing in the UDP under Policy H3:3A.2. Further to the south-east, open land exists which is designated as an 'Area of

Protected Search' in the UDP.

GP5: General planning considerations.

T2: Transport infrastructure.

T24: Parking provision.

BD12: Good design for new buildings

BD5: General amenity issues. LD1: Landscape schemes.

N24: Sites assimilate into wider open areas

N25: Positive boundary treatments

8.6 Leeds City Council Supplementary Planning Guidance/Documents

SPG13 Neighbourhoods for Living (adopted).

SPG22 Sustainable Urban Drainage (adopted).

SPD Street Design Guide (adopted).

SPD Designing for Community Safety (adopted).

8.7 Government Guidance

National Planning Policy Framework (NPPF) (March 2012)

Section 4 – Promoting sustainable transport

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 11 – Conserving and enhancing the natural environment.

8.8 Manual for Streets.

9.0 MAIN ISSUES

- 9.1 The outline application was made in outline and approved the principle of housing development and details the of the access onto Whitehall Road. The current application seeks approval of the layout, scale, appearance and landscaping of the development. The main issues, therefore, are:
 - 1. Visual amenity/site layout
 - 2. Impact on amenities of adjoining occupiers
 - 3. Highway safety
 - 4. Landscaping and ecological issues

10.0 APPRAISAL

Visual amenity/site layout

- 10.1 The development is a mix of two storeys and two storeys with rooms in the roof, at a density of less than 29 dwellings per hectare. This is similar to the ribbon development along Whitehall Road, and less dense than the adjoining houses at Summerbank Close, and is acceptable in this location. There is a mix of house types, (2 beds, 4 and 5 beds), in a mix of detached (18), semi-detached (4), terrace (3) and linked (4), so there is a good mix of properties and forms. Each house has adequate and appropriate provision of private amenity space.
- 10.2 The existing area has a mix of building styles and materials, although brick predominates in the immediate locality. The proposed housing will be in a mix of dwelling types, as stated above, but will all be in brick, but with varying details, to add interest and mix to the street scene.
- 10.3 There is only a very limited frontage onto Whitehall Road, and the majority of dwellings would have little impact on the existing street scene. Plot 29, however, has

been resited so that is in line with No. 85 Whitehall Road, rather than to the front of No.85, as originally sited. Plot 1 is angled at 45 degrees to plot 29, designed to be a feature in the street, and focal point to the development.

10.4 It is considered that the scale/layout design accords with advice in Neighbourhoods for Living and UDP policy and is compatible with the established local residential character.

Impact on amenities of adjoining occupiers

- 10.5 The site abuts residential properties on Summerbank Close and Whitehall Road.
- 10.6 The existing properties on Summerbank Close are separated from the application site by a Public Footpath which runs to the rear of the houses, and an embankment down into the application site. This achieves a separation distance of 25m 30m, well in excess of the 21m usually required in Neighbourhoods for Living.
- 10.7 The relationship to the houses on Whitehall Road achieves less separation distances than those in relation to Summerbank Close. Five plots face onto existing houses, and these are considered in turn:
 - Plot 13 this plot faces directly onto 99 Whitehall Road. It is a two storey house, and is proposed to be sited 11.5m from the rear boundary, and achieves a separation distance of 22m from the rear face of No. 99.
 - Plot 14 this plot faces onto 97a Whitehall Road on an angle. It is a two storey house, with rooms in the roof space, and is proposed to be sited between 10.5m and 12m from the rear boundary, and achieves a separation distance of between 21m and 23m from the rear face of No. 97a.
 - Plot 15 this plot faces onto 95 and 97 Whitehall Road on an angle. It is a two storey house, with rooms in the roof space, and is proposed to be sited between 11.5m and 13.5m from the rear boundary, and achieves a separation distance of between 22m and 25m from the rear face of No. 95 and 97.
 - Plot 16 this plot faces onto 91 and 93 Whitehall Road, again on an angle. It is a two storey house and is proposed to be sited between 10m and 12m from the rear boundary, and achieves a separation distance of between 21m and 22m from the rear face of No. 91 and 93m.
- 10.8 Therefore, the minimum distances recommended in Neighbourhoods for Living are achieved in all cases. The proposed houses are also set down from the ground level of the existing houses on Whitehall Road, which will reduce the impact of the proposed dwellings. The proposed garages at the rear of the houses would not impact on the amenities of the adjoining residents by reason of their limited height and distance from those houses.
- 10.9 Plot 17 this plot is a two storey house, with a fairly extensive footprint, which is proposed to abut the rear of 85, 87 and 89 Whitehall Road. The revised layout shows this dwelling would be sited between 4m and 7m from the rear boundary, the openings to that elevation would be to two doors and four windows, to study, utility room, kitchen and bathroom. All these openings are to have obscure glazing, to prevent overlooking of the houses to the rear. The main windows to Plot 17 face onto the road at the front, or face over the proposed rear garden, to the east. In terms of dominance, distances of 14m to 18m are achieved. Where 85 and 87 look directly

onto the wall of Plot 17, distances of 16m to 18m are achieved. In these circumstances, in respect of dominance, 12m is the minimum recommended separation distance, and even allowing for Plot 17 being a larger than average house type, the distances achieved are considered acceptable.

Highway safety

- 10.10 The means of access into the site is already approved under the outline application. The Planning Inspector imposed two planning conditions in respect of the access; the first required visibility splays of 2.4m x 90m to be provided. These splays are shown on the proposed site layout; the second requires proposed crossing facilities on Whitehall Road in the form of a ghost island and white lining, and the safe provision for a refuge for right turning vehicles into the site.
- 10.11 The internal layout accords with the Street Design Guide. In respect of parking, 34 garages are proposed, with 51 open parking spaces. The garages are 3m x 6m and are therefore considered as appropriate parking. 85 spaces are proposed in total, at an average of almost three spaces per dwelling, with higher parking ratios for the larger 4 and 5 bedroom houses.
- 10.12 Highways Officers raise no objections to the revised scheme.

Landscaping and ecological issues

- 10.13 The main landscape feature on the site is the hedge to the north-eastern boundary, abutting No.73 Whitehall Road. This is to be retained.
- 10.14 An ecological survey has been submitted and recommends that mitigation for the loss of the wider green field site should be addressed through habitat enhancement within the area which currently lies within the blue line boundary. West Yorkshire Ecology would like to see additional measures included within the scheme which bring the application more into line with policy, as follows:
 - 1) Inclusion and maintenance of a native species hedgerow and post and rail fence set along the south-eastern boundary of the site as defined by the red line. A hedgerow should be planted in a double row and should include trees.
 - 2) A management plan should be agreed with the planning authority and implemented for the blue line area to the south-east of the site. This should include cutting of the grass bank in July and September; and management of Himalayan Balsam on the stream side by cutting or pulling before it flowers.
- 10.15 The applicant is agreeable to these measures, and no ecological objections are raised.

Affordable Housing

10.16 The affordable housing provisions are subject to provisions in the Section 106 Agreement, which was completed at outline planning stage. Four units are to be provided which equates to 15%, as required in the S106. Housing have advised that in considering the information available on demand in the area and in the absence of any 3 bed properties that it is acceptable in this instance for the affordable housing to be made up of the 4 x 2 bed houses (Yarn house type). Two of the units (plots 5 & 6) should be for social rent and the other two for submarket housing.

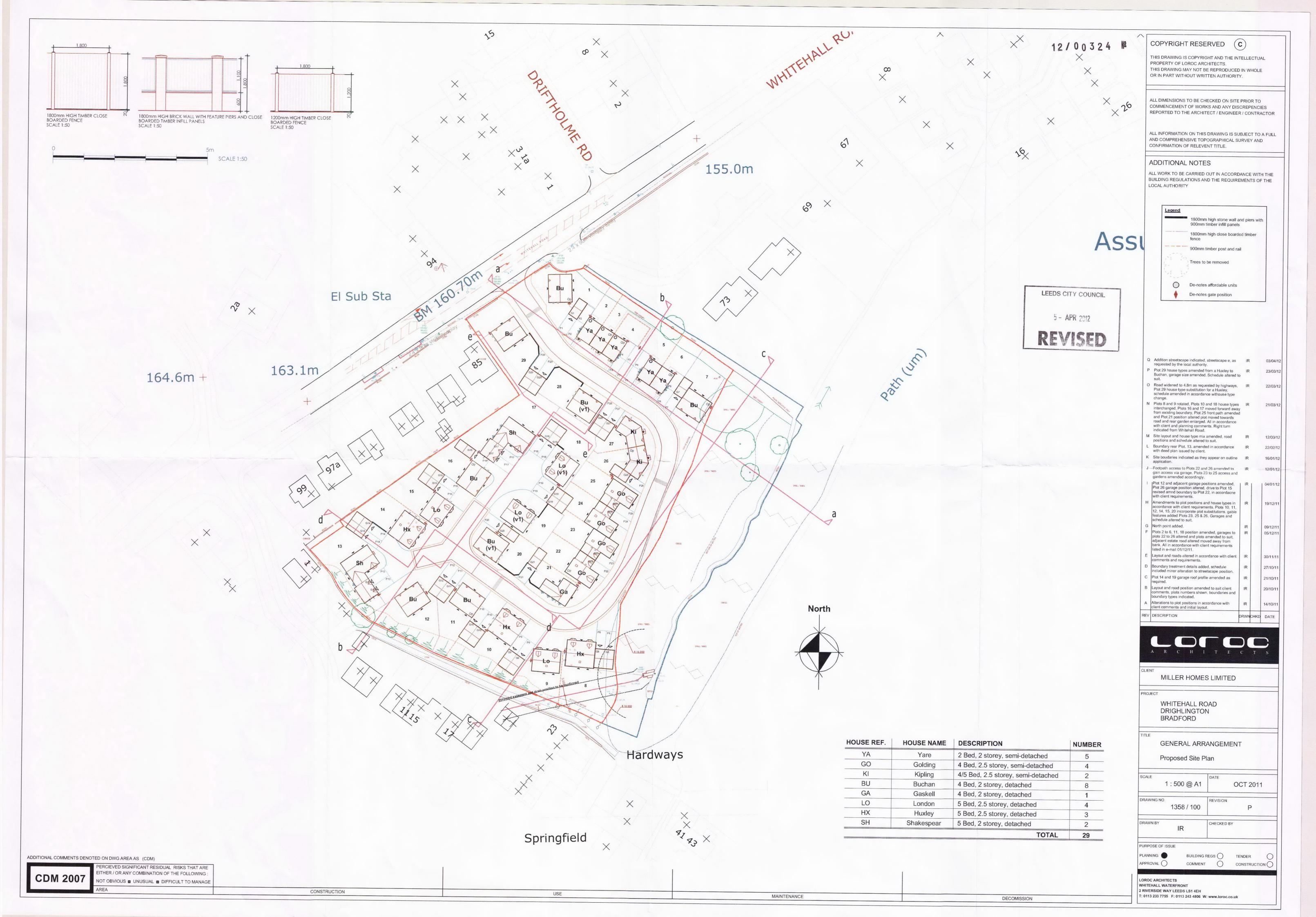
11.0 CONCLUSION

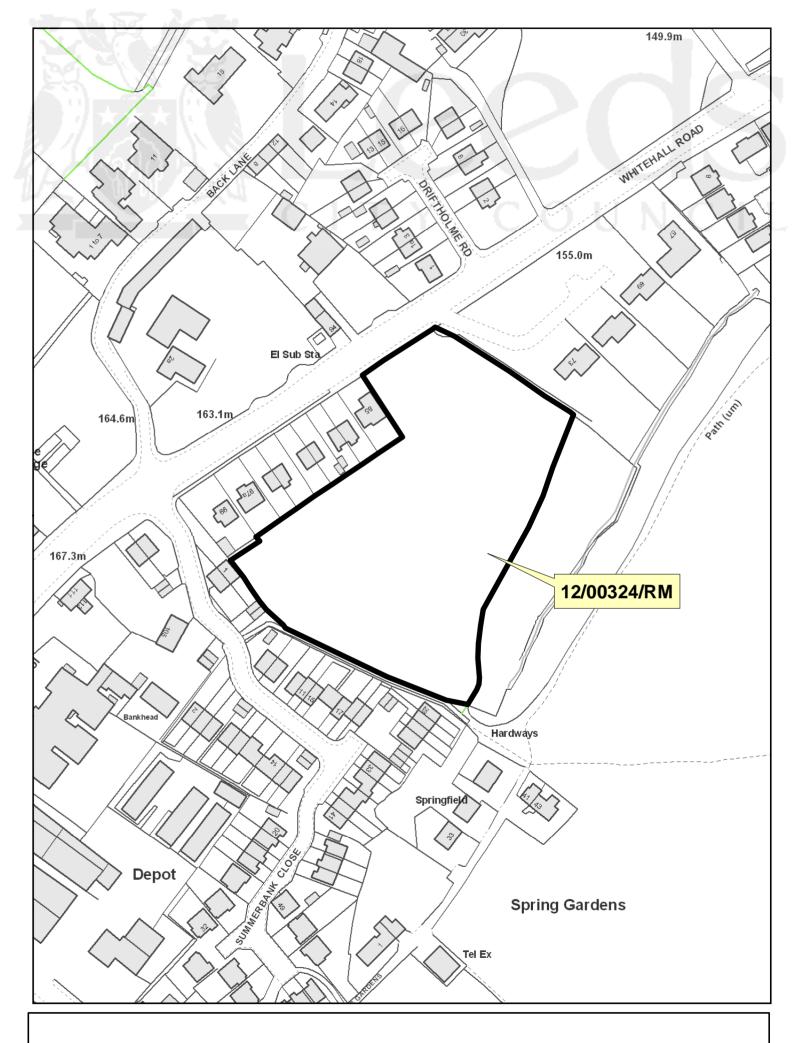
11.1 The site is allocated for housing and has planning permission. The reserved matters scheme has been reduced in numbers so that the dwellings fir more comfortably on the site without harm to the character of the area or the amenities of nearby residents. An additional condition is recommended to require a Landscape Management Scheme for the area owned by the applicant to the south, to ensure an adequate setting for the development. As a matter of planning balance, no objections are raised.

Background Papers:

Application file

Certificate of Ownership: As applicant (Miller Homes)





EAST PLANS PANEL